

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

03-O-0909

BY COUNCILMEMBER NATALYN MOSBY ARCHIBONG

AS AMENDED BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON THAT PORTION OF LA FRANCE STREET, SE LOCATED WEST OF MARION PLACE CONSISTING OF 20,264 SQUARE FEET, MORE OR LESS, AND BEING MORE SPECIALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 209 OF THE 15th DISTRICT OF DEKALB COUNTY, GEORGIA;; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the Sembler Company the abutting property owner, to abandon a portion of a certain street for the purpose of using the property for their own private use; and

WHEREAS, the Sembler Company is proposing to use the abandoned street as part of the redevelopment of the Atlanta Gas property; and

WHEREAS, the surrounding communities are in support of the proposed development project for the area and are in support of the proposed abandonment; and

WHEREAS, the abandoned rights-of-way shall become part of the abutting owner's private property and their responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the request to abandon said streets will be reviewed by the proper City agencies and by all public utilities prior to passage of the legislation.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That a portion of La France Street, S.E. located west of Marion place consisting of 20,264 square feet, more or less, and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 209 of the 15th District of Dekalb County, Georgia, as shown on the attached Exhibit "A", be and the same is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: The City's intent is hereby given that said street shall be abandoned.



Section 3: That the Sembler Company has agreed to pay the fair market value of the abandoned street as determined by the appraisal of said street.

Section 4: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time, said easements shall expire.

Section 5: That the Chief Procurement Officer is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 6: That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Account Number 1A01-524001-G55001.


Section 7: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of ordinances, the City Attorney is hereby directed to prepare a Quit Claim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 8: That the Mayor is hereby authorized to execute said Quit Claim Deed or Limited Warranty Deed and other necessary documents, as determined by the City Attorney, for the abandoned street right-of-way to the Sembler Company.

Section 9: Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.

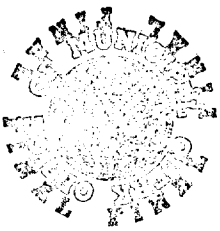
Section 10: That all code sections, ordinances, and parts of code sections and ordinances in conflict with this ordinance are waived.

A true copy,


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

JULY 07, 2003
JULY 12, 2003



Property Description

La France Street (Right-of-Way Abandonment)

All that tract or parcel of land lying and being in Land Lot 209 of the 15th District, City of Atlanta, DeKalb County, Georgia, and being more particularly described as follows:

Commencing at a PK nail found at the intersection of the Southern right-of-way of La France Street (45' right-of-way) and the Western right-of-way of Marion Place (50' right-of-way), Said PK nail found being the **TRUE POINT OF BEGINNING**. Thence along said right-of-way of La France Street the following courses and distances: North 82 degrees 29 minutes 47 seconds West, a distance of 157.81 feet to a PK nail found; South 01 degrees 06 minutes 59 seconds West, a distance of 1.40 feet to a point; along a curve to the left, an arc length of 26.15 feet, said curve having a radius of 15.01 feet with a chord distance of 22.97 feet, at South 41 degrees 36 minutes 57 seconds West, to a point; along a curve to the right, an arc length of 227.86 feet, said curve having a radius of 61.00 feet with a chord distance of 116.66 feet, at North 83 degrees 05 minutes 16 seconds West, to a point; along a curve to the right, an arc length of 29.90 feet, said curve having a radius of 61.00 feet with a chord distance of 29.61 feet, at North 37 degrees 58 minutes 14 seconds East, to a point located on the Southern right-of-way of the CSX railroad; Thence along said CSX railroad right-of-way the following courses and distances: North 66 degrees 32 minutes 08 seconds East, a distance of 9.86 feet to a point; North 78 degrees 34 minutes 39 seconds East, a distance of 111.25 feet to a point on the Northern right-of-way of La France Street; Thence along said right-of-way of La France Street the following courses and distances: South 82 degrees 11 minutes 50 seconds East, a distance of 78.20 feet to a 1" crimped top pipe found; South 82 degrees 11 minutes 50 seconds East, a distance of 75.30 feet to a point; Thence leaving said right-of-way South 01 degrees 04 minutes 09 seconds West, a distance of 44.54 feet to a PK nail found at the intersection of the Southern right-of-way of La France Street and the Western right-of-way of Marion Place; said PK nail found being the **TRUE POINT OF BEGINNING**.

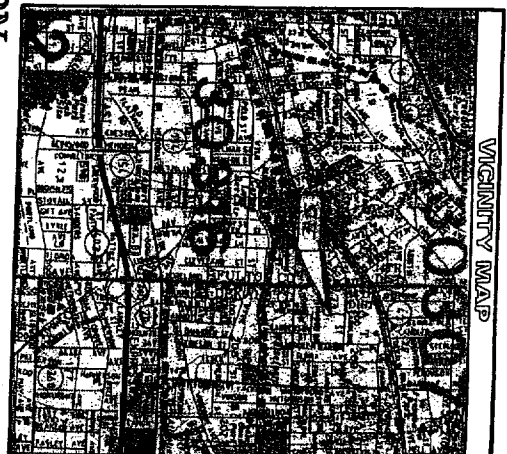
Said tract of land contains 0.465 Acre.

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 718,974. AN ANGULAR ERROR OF 00 SECONDS PER SETUP, AND WAS ADJUSTED BY COMPASS RULE. A SOKKIA ELECTRONIC TOTAL STATION AND HEWLETT PACKARD 48GX DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 124,483 FEET. DLH INT.

LEGEND

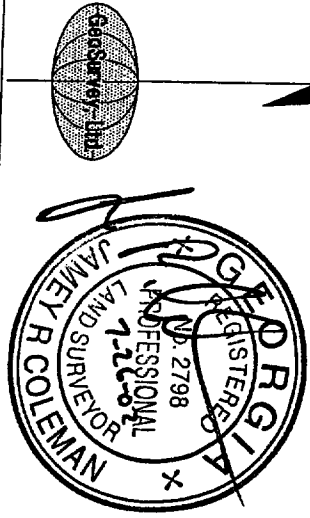
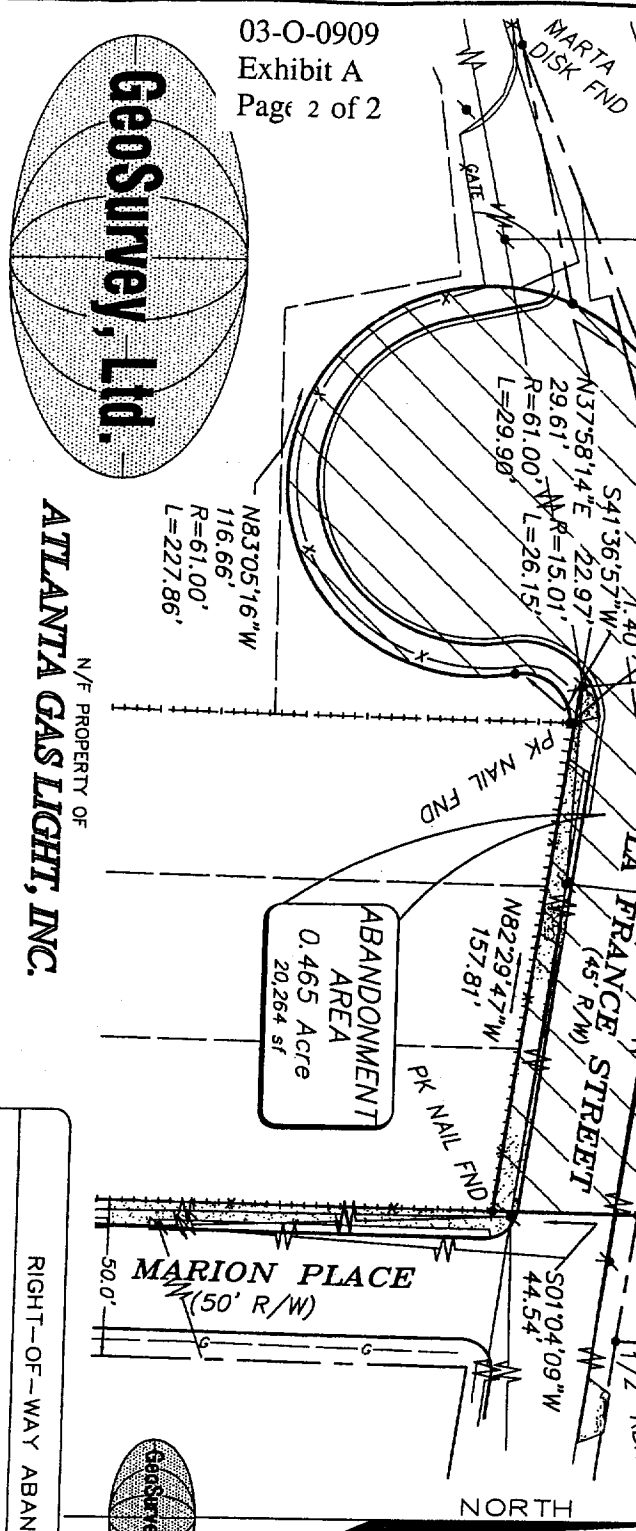
STANDARD SYMBOLS	STANDARD ABBREVIATIONS
POWER POLE	CMF CONCRETE MONUMENT FND
WATER VALVE	CIP CRIMPED TOP PIPE
MANHOLE	FND FOUND
FIRE HYDRANT	G GAS
GUY WIRE	JB JUNCTION BOX
GAS LINE	OTF OPEN TOP PIPE
WATER LINE	POB POINT OF BEGINNING
POWER LINE	RBR IRON REINFORCING BAR
	SS SANITARY SEWER
	W WATER
LP	
LIGHT POLE	



GENERAL NOTES

SURVEY REFERENCES

1. ALTA/ACSM LAND TITLE SURVEY FOR AA ACTION, INC., SEMBLER ATLANTA, INC., THE SEMBLER COMPANY, ATLANTA GAS LIGHT COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY PREPARED BY GEOSURVEY, LTD., DATED JULY 26, 2002.



RIGHT-OF-WAY ABANDONMENT EXHIBIT FOR:

THE SEMBLER COMPANY

SITE INFORMATION

CITY: ATLANTA	COUNTY: DEKALB	STATE: GEORGIA
LAND LOT: 209		DISTRICT: 15th
SURVEY DATE: JULY 26, 2002	PROJ MGR: DLH	REVIEWED: jrc
GS Dwg File: 1266r/w exhibit.dwg	SCALE: 1" = 60'	GS Job No.: 20021266

ATLANTA GAS LIGHT, INC.

03-O-0909
Exhibit A
Page 2 of 2

Land Surveying & Mapping
www.geosurvey.com

1800 Sandy Plains Drive
Suite 104
Marietta, Georgia 30066

Phone: (770) 795-9900
Fax: (770) 795-8880

GRAPHIC SCALE 1"=60'
0 30 60 120

RCS# 4853
7/07/03
4:05 PM

Atlanta City Council

Regular Session

CONS AGEN I Pgs 1 - 14 except:0715,0976
0852, 0950, 0946, 0963, 0926, 0975
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

		7/07/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0850 2. 03-O-0949 3. 03-O-0955 4. 03-O-0909 5. 03-O-0961 6. 03-O-0553 7. 03-O-0925 8. 03-R-0981 9. 03-R-0956 10. 03-R-0965 11. 03-R-1033 12. 03-R-0920 13. 03-R-0945 14. 03-R-0966 15. 03-R-0967 16. 03-R-0968 17. 03-R-0969 18. 03-R-0977 19. 03-R-0978 20. 03-R-0979 21. 03-R-0889 22. 03-R-0940 23. 03-R-0941 24. 03-R-0942 25. 03-R-0943 26. 03-R-0944 27. 03-R-0962 28. 03-R-0983 29. 03-R-0984 30. 03-R-0985 31. 03-R-0986 32. 03-R-0987 33. 03-R-0988 34. 03-R-0989 35. 03-R-0991 36. 03-R-0992 37. 03-R-0994	38. 03-R-0989 39. 03-R-0991 40. 03-R-0992 41. 03-R-0994 42. 03-R-0995 43. 03-R-0996 44. 03-R-0997 45. 03-R-0998 46. 03-R-0999 47. 03-R-1000 48. 03-R-1001	49. 03-R-1002 50. 03-R-1004 51. 03-R-1005 52. 03-R-1006 53. 03-R-1007 54. 03-R-1008 55. 03-R-1009 56. 03-R-1010 57. 03-R-1011 58. 03-R-1012 59. 03-R-1013 60. 03-R-1014 61. 03-R-1015 62. 03-R-1016 63. 03-R-1017 64. 03-R-1018 65. 03-R-1019 66. 03-R-1020 67. 03-R-1021 68. 03-R-1022 69. 03-R-1023 70. 03-R-1024 71. 03-R-1025 72. 03-R-1026 73. 03-R-1027 74. 03-R-1028

Consent I Vote: 15 Yeas; 0Nays: (See RCS #4853)

Items Removed from the Consent Agenda: 03-O-0852; 03-O-0926; 03-O-0950; 03-R-0715; 03-R-0946; 03-R-963; 03-R-0975; 03-R-0976

03-0-0909
(Do Not Write Above This Line)

AN ORDINANCE *Metaphorically*
BY COUNCILMEMBER NATALYN MOSBY ARCHIBONG

AN ORDINANCE TO ABANDON THAT PORTION OF LA FRANCE STREET, SE LOCATED WEST OF MARION PLACE CONSISTING OF 20,264 SQUARE FEET, MORE OR LESS, AND BEING MORE SPECIALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 209 OF THE 15th DISTRICT OF DEKALB COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

ADOPTED BY

JUL 07 2003

COUNCIL

- ☐ CONSENT REFER *AS Amended*
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred *6/2/03*
Referred To: *CC*
Date Referred
Referred To:
Date Referred
Referred To:
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee 1/12/03
Date 7/6/03
Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date
Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date
Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION
☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
JUL 07 2003

Delia A. Moore
COUNCIL PRESIDENT PROTTEM

CERTIFIED
JUL 07 2003

Rickie Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Shirley Stranville
JUL 12 2003